

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

CITY OF HOLLAND, acting by and
through its BOARD OF PUBLIC
WORKS,

Plaintiff,

vs.

Case No. 1:11-cv-1199

INDIAN HARBOR INSURANCE CO.
and XL, America, Inc.,

Hon. Paul L. Maloney

Defendants.

Andrew J. Mulder (P26280)
Ronald J. Vander Veen (P33067)
CUNNINGHAM DALMAN, P.C.
Attorney for Defendant
321 Settlers Road
Holland, MI 49422
(616) 392-1821

Notice of Dismissal

Plaintiff, by and through its attorneys and pursuant to F. R. Civ. P. 41(a)(1)(A), hereby gives notice that this matter is dismissed pursuant to, and based upon, the terms of the Parties' Settlement Agreement, dated March 29, 2012.

As provided in the Settlement Agreement, the Parties explicitly intend that this dismissal:

1. Is with prejudice ***only*** with respect to claims related to past Legal Defense Costs relating to the *Sierra Club v City of Holland and the Holland Board of Public Works*, docket number 1:08-cv-1183 pending in the Western District of Michigan.

2. Is *without prejudice* as to all Claims, Pollution Conditions, Loss or Remediation Expense or Legal Defense Costs which are not expressly released by the Settlement Agreement.

CUNNINGHAM DALMAN, P.C.
Attorneys for Plaintiff

Date: April 6, 2012

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